

REMARKS

In the Office Action mailed on October 7, 2004, claims 1-13 and 16-51 were rejected. Claims 1-51 are now pending in the application. In view of the remarks and amendments, Applicant respectfully requests reconsideration of the application.

Examiner has objected to the drawings because they are handwritten and difficult to read. Applicant submits 8 replacement sheets that include clearly marked figures.

Examiner objected to claims 1, 12, 31, and 51. Applicant amended claims 1, 12, 31, and 51 to overcome this objection.

Examiner rejected claims 7, 21-43, and 45 under 35 U.S.C. § 112 for being indefinite. Applicant removed the term "substantially" from claims 7 and 21. Applicant amended claim 33 to depend on claim 32. Applicant also amended claim 45 to include "establishing a connection."

Claim 51 was rejected under 35 U.S.C. § 102(e) as being anticipated by Tarboureich (US 6,650,877). Applicant respectfully disagrees in light of the amended claim. Applicant amends Claim 51 to include the limitation of:

wherein the one or more time stamps represents
content that is broadcasted and wherein identification
of the content is independent of detection by a data
marker device of a frequency at which the content is
broadcasted

Tarboureich teaches the use of a sensing unit to store the frequency of the broadcast and the time of activation (column 6, lines 1-8). In marked contrast,

Claim 51 recites that the time stamp(s) represents the content and that identification of the content is independent of the frequency detected by the data marker device. Accordingly, Claim 51 is in a condition for allowance.

Claims 1-13, 16-32, 35-37, and 40-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tarboureich in view of Doyle. Applicant respectfully disagrees in light of the amended claims. Applicant amends Claims 1, 21, and 41 to include the limitation of:

wherein the one or more time stamps represents
content that is broadcasted and wherein identification
of the content is independent of detection by a data
marker device of a frequency at which the content is
broadcasted

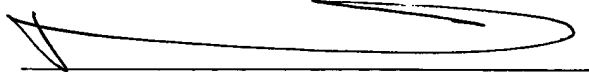
Accordingly, Claims 1, 21, and 41 are in a condition for allowance for the same reasons as stated above. Claims 2-13 and 16-20 depend directly or indirectly on Claim 1 and therefore, are patentable for at least the same reasons discussed above. Claims 22-32, 35-37, and 40 depend directly or indirectly on Claim 21 and therefore, are patentable for at least the same reasons discussed above. Claims 42-50 depend directly or indirectly on Claim 41 and therefore, are patentable for at least the same reasons discussed above.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all pending claims are in condition for allowance. Such allowance is respectfully requested.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Richard H. Butler at (408) 223-9763.

Dated: 1/6/05

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Richard H. Butler', written over a horizontal line.

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Amendments to the Drawings:

The attached replacement sheets of drawings include changes to Figures 1-8.

These replacement sheets include annotations to Figures 1-8.

Attachments: Replacement Sheets